

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

DANVILLE DIVISION

BELINDA N. COLEMAN,

Plaintiff

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

Case No. 4:05cv00026

ORDER

By: **Jackson L. Kiser**
Senior United States District Judge

On May 31, 2005, this Court entered an order referring this case to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and recommended disposition. Magistrate Judge Crigler filed his Report and Recommendation on October 25, 2005. After reviewing the record in this case and no objections having been filed to Magistrate Judge Crigler's Report and Recommendation within ten (10) days of its service upon the parties, this Court adopts Magistrate Judge Crigler's Report in its entirety. Accordingly, it is this day **ADJUDGED** and **ORDERED** as follows:

1. The Report and Recommendation of the United States Magistrate Judge, filed October 25, 2005, shall be, and hereby is, **ADOPTED** in its entirety.

2. For the reasons stated in Magistrate Judge Crigler's Report, the Commissioner's final decision is **REVERSED** and the case is **REMANDED** for further

proceedings consistent with Magistrate Judge Crigler's Report. If the Commissioner is unable to grant benefits under § 12.05C of the Listings on the current record, then the Commissioner is to recommit the case to an Administrative Law Judge to clarify the findings at the final three levels of the sequential evaluation in a manner which comports with the Commissioner's own regulations.

3. The clerk is directed to strike this case from the active docket of this Court and to send certified copies of this Order to all counsel of record and to Magistrate Judge Crigler.

ENTERED this 15th day of November, 2005.

/s/ Jackson L. Kiser

Senior United States District Judge